

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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MAY 13 1996  
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In the Matter of

Implementation of Sections of the  
Cable Television Consumer Protection  
and Competition Act of 1992;  
Rate Regulation

Leased Commercial Access

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) MM Docket #92-266 ✓  
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) CS Docket #96-60  
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To: The Commission -Mail Stop 1170

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**COMMENTS OF BCB BROADCASTING, INC.**

Owner/Operator, WBCF-LP and WXFL-LP, Florence, Alabama

1. These Comments are filed by BCB Broadcasting, Inc. in response to the Commission's "Further Notice of Proposed Rulemaking" in this proceeding, FCC 96-122, released March 19, 1996. We are the operator of low power television stations WBCF-LP and WXFL-LP, Florence, Alabama.
2. We feel that the leased-access concept of cable carriage is too restrictive for LPTV stations, and in its proposed form basically amounts to extending the income stream for cable companies to another source in addition to subscriber revenue AND advertiser revenue. This is unreasonable because LPTV stations themselves are limited to only advertiser income, and this would further hurt us financially.
3. LPTV stations are LICENSEES of the federal government, unlike cable operators, and as such must act in the public interest. We argue that LPTV stations should be given a preference in gaining cable access for this very reason. In the real world, the majority of ethnic and other diverse programming originates and exists on LPTV stations, due to cost

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factors and lack of available cable channel availability. LPTV stations are the only place for many of these programs. In effect the public interest would be better served by allowing LPTVs special access rates.

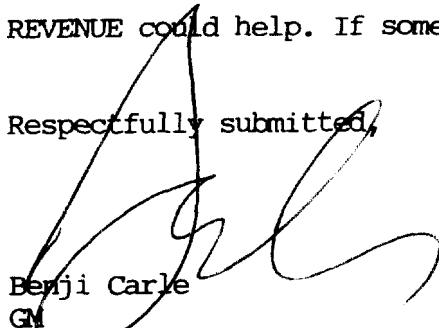
3. For years LPTVs have been almost completely locked out of homes due to cable. The vast majority of cable companies do not allow LPTVs equal or leased access on policy alone. This has resulted in the stagnation of an entire industry that was once touted as an effective competition to cable. In our market over 80% of the TV homes are cable. The cable operator in this area (Northwest Alabama), a major national, will not even talk to us, even though they do not have a local access channel. We can only surmise that they are locking us out for competitive purposes since they sell advertising too. Couple that with the fact that various city ordinances and the public's unwillingness prevent antenna proliferation, and we are a weak if not nonexistent market force. BCB Broadcasting has been a licensee of LPTV stations for over 10 years now, and due to the cable lock-out has YET TO EARN **ANY** REVENUE WHATSOEVER. We are completely ignored by the homes and marketplaces in the community we are **LICENSED** TO SERVE. It is only because we have other media outlets that we can continue to fund them. And this is a shame because the public is denied program diversity, and a FREE alternative to "Pay TV".

4. Finally, we lament the denial of job creation in the broadcast environment. Had LPTV been allowed on cable from the beginning there would be many job positions at my stations and in **THOUSANDS** of other LPTVs around the country. Lack of viewership and a lockout that is in restraint of trade by cable systems is responsible for this. We can never

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make up for the past, but allowing a reasonable formula for leased cable access that considers ADVERTISER REVENUE AND NOT SUBSCRIBER REVENUE could help. If something isn't done soon, LPTV won't survive.

Respectfully submitted,



Benji Carle  
GM

BCB Broadcasting, Inc.  
P.O. Box 1316  
Florence, Al. 35631-1316  
cc/P.I. file

**WBCF AM/TV**

RADIO 1240 AM TV3 TV5

**NEWS/TALK RADIO AND THE BIG BANDS**

P.O. Box 1316 • Florence, Alabama 35631

Phone: (205) 764-8170

FAX: (205) 764-1240

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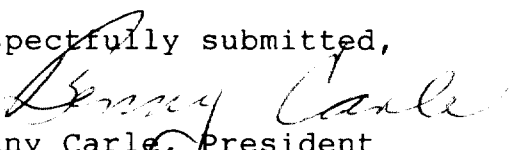
To: The Commission - Mail Stop 1170

**COMMENTS OF BENNY CARLE BROADCASTING, Inc.**  
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1. These Comments are filed by Benny Carle Broadcasting, Inc. We are the Licensees and Owner-Operators of LPTV stations: **W B C F-LP 3 and W X F L-LP 5, Licensed to serve FLORENCE, ALABAMA.** In response to the Commission's "Further Notice of Proposed Rulemaking" in this proceeding, FCC 96-122, released March 19, 1996.

2. As the Licensee of my two LPTV stations for over 10 years, I have had to absorb all costs and expenses associated with a fulltime operation without any revenues from the sale of advertising. A broadcaster's ONLY saleable product is its AUDIENCE and with CABLE LOCK-OUT from over 80% of our local population, WE HAVE NO PRODUCT and cannot expect to recoup even our program expenses without ADVERTISING AND SPONSORS to pay for it. Any formular that dictates an additional fee for LPTV access to our LEGAL AUDIENCE would be to charge us TWICE for our LICENSES and destroy any OPPORTUNITY for profit that serving our community's public interest deserves.

Respectfully submitted,

  
Benny Carle, President  
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P.O. Box 1316  
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